S.B.CIVIL WRIT PETITION NO.4864/2004.

19.12.2006.

HON'BLE MR JUSTICE MOHAMMAD RAFIQ

Mr. Hemant Shrimali & Mr. Himanshu Maheshwari, for the petitioner.
Mr Rameshwar Dave, Dy. G.A.for the respondents.

The learned counsel for the petitioner submits that the controversy raised in this case is squarely covered by the Division Bench judgment of this Court in Santosh Kumari Vs.State of Rajasthan (D.B.Civil Special Appeal No. 400/2004, decided on 3.3.2005), and the Single Bench Judgments of this Court in Surendra Kumar Vs. Stae ofRajasthan (S.B.Civil Writ Petition No. 2749/2004, decided on 23.9.2005) and Shitla Devi Vs. State of Rajasthan & Ors. (S.B.Civil Writ Petition No. 5342/2003, decided on 18.9.2006). All these judgments were later followed again in Narpat Singh Benda Vs. State of Rajasthan (S.B.Civil Writ Petition No. 191/2004, decided on 18.9.2006). The facts of this case are that the petitioner applied for the post of Physical Education Teacher Grade-III,

and according to call letter he was required to appear for interview only for the purpose of verification of documents, there being no weightage/marks for the interview. Call letter dt. 30.8.2003 was dispatched to the petitioner by postal endorsement dt. 1.9.2003 in which he was required to appear for interview before District Education Officer at 10.30 A.M., on 3.9.2003 whereas the letter itself was received at 2.00 P. M. on 4.9.2003. In similar facts in all the aforesaid cases, this Court in similar selection process and for the same post directed the respondents to consider the case of the petitioner.

For the reasons stated therein the writ petition is allowed. The respondents are directed the respondents are directed to now call the petitioner for interview on any date that may be intimated to his at least a week in advance and consider his case and if found to stand in merit, consider his case for appointment on the post of Physical Education Teacher Grade-III and if found suitable for appointment, the appointment of the petitioner shall be deemed to have been made from the date when the candidate immediately below his in merit was given such appointment in the category to which

he belonged. He would however be entitled to only notional benefits for the intervening period, although benefits of seniority and increments etc. shall be granted to his. Compliance of this order be made within a period of three months from the date of service a copy of this order.

There shall be no order as to costs.

(MOHAMMAD RAFIQ),J.

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